

MEMO ENDORSED

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WILMERHALE

June 14, 2013

Honorable Alison J. Nathan
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 906
New York, New York 10007

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Re: *Braintree Laboratories, Inc. v. Cypress Pharmaceutical, Inc.*, Case No.: 12-cv-6851-AJN

Dear Judge Nathan:

I write on behalf of plaintiff Braintree Laboratories, Inc. and defendant Cypress Pharmaceutical, Inc. in the above-referenced matter, to make the joint report as directed by the Court at its June 10, 2013 Status Conference.

Following the Conference, the parties have conferred twice regarding the possibility of an agreed-upon schedule for early summary judgment proceedings. As a result of those discussions, the parties are now determining if it is possible to agree upon a stipulated record for Cypress's proposed summary judgment motion.

To allow additional time for negotiating and drafting such a record, and to obtain the necessary client approvals, the parties request the Court's permission to submit a progress report on the status of this possible agreement by next Friday, June 21, 2013, at which time the parties also hope to have a stipulated record.

Respectfully submitted,

/s/ John J. Regan

John J. Regan

Cc: All Counsel of Record

The parties' proposal is granted and SO ORDERED. The parties are reminded, however, that their discussions are to take place concurrent with their discovery obligations under the January 18, 2013, case management plan. SO ORDERED.

SO ORDERED: 6/17/13

**HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE**

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